IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

WRIT PETITION No. 6366 of 1995

Between:

G R Associates Engineers & Consultants, Rep by its Proprietor

Sri G. Rami Reddy, S/o G. Govindappa,

R/o 7-1-396/B/12, Sanjeeva Reddy Nagar,

Hyderabad. ..... PETITIONER

AND

1. Govt of A.P., Rep by its Secretary Finance and Planning Department, Hyderabad.
2. A.P.State Financial Corporation, Hyderabad , Rep by Managing Director.
3. A.P. State Financial Corporation, Anantapur, Rep by its Branch Manager, R/o Anantapur.
4. M/s Vigneswara Poly Pack Industries (P) Ltd., Rep by its Managing Director Sri V.C. Parvatappa, Hindupur.

(R-4 dismissed for default as per Court order dated 04-08-2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 2nd Respondent to accept offer of the petitioner of Rs.

33,75 Lakhs or any other amount arrived at after negotiation and sell the unit M/s Vigneswara Poly Pack Industries (P) Ltd., Tumakunta, Hindupur, Anantapur District to the petitioner.

Counsel for the Petitioner : Mr.P.KRISHNA REDDY

Counsel for the Respondent No.1 : G.P. FOR FINANCE & PLANNING

Counsel for the Respondents No.2 and 3: Sri Y.N.Lohita.

The Court made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

Writ Petition No.6366 of 1995

ORAL ORDER :

The writ petition is filed with the prayer as follows :

> "For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 2nd respondent to accept offer of the petitioner of Rs.33.75 lakhs or any other amount arrived at after negotiation and sell the unit M/s.Vigneswara Poly Pack Industries (P) Ltd., Tumakunta, Hindupur, Anantapur District to the petitioner, and pass such other order or orders in the interest of justice."

The respondent issued an advertisement in Indian Express dated 1.3.1993 proposing to conduct sale of a unit owned by the 4th respondent herein in exercise of the 2nd respondent's power under Section 29 of the State Financial Corporation Act, 1951. The petitioner offered to purchase the unit for an amount of Rs.37 lakhs. But no decision was taken. Much water has flown subsequently, the details of which may not be necessary. Again on 18.12.1994 one more advertisement such as the one mentioned earlier was given by the 2nd respondent in the Eenaadu paper.

Without going into the details briefly, the petitioner has sent his offer on 11.1.1995, offering to purchase the entire unit for an amount of Rs.33,75,000/- on certain terms and conditions which offer did not invoke any response. The present writ petition is filed complaining that though the petitioner offered the above mentioned amount of Rs.33,75,000/-, according to the reliable information of the petitioner, the said unit was sold in favour of a Calcutta Company (the details were not disclosed in the writ petition) for an amount of Rs.33 (Thirty three) lakhs and hence the present writ petition.

Though in the normal course, the writ petition such as the one would have necessarily called for a detailed enquiry, but in the present case, in my view it is not necessary for the reason that along with the writ petition, the petitioner filed WPMP No.7897 of 1995 with the prayer as follows :

> "To direct the 2nd and 3rd respondents not to sell either machinery or building or site of M/s.Vigneswara Poly Pack Industries (P) Ltd., Tumakunta, Hindupur, Anantapur District, and not to deliver either the machinery or building or site to any other person, pending the above W.P"

which was ordered on 3.4.1995 on condition the petitioner deposits a sum of Rs.15 lakhs with the 2nd respondent within three weeks from that day.

Today when the matter is taken up, both the learned counsel for the petitioner as well as the respondent submitted that the conditional interim order has not been complied with.

In the circumstances, the bonafides of the petitioner are suspec. Apart from that, from the counter it can be seen that the unit in question had already been disposed of by the 2nd respondent in exercise of its power under Section 29 of the State Finance Corporation Act. Therefore, I do not see any reason to make any further probe into the matter, more particularly at the instance of the petitioner whose bonafides as

already noticed are suspect. The writ petition is without merits and the same is dismissed.

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knk 03.03.2005

To

1. The Secretary, Govt of A.P., Finance and Planning Department, Hyderabad.
2. The Managing Director, A.P.State Financial Corporation , Hyderabad.

3. The Branch Manager, A.P. State Financial Corporation,

Anantapur.

4. Two CCs to the G.P.for Finance and Planning, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.